always been justifiable on other grounds, as in the principal case. For purposes of municipal law, the corporate fiction has been respected and the vessels of an English corporation composed of alien stockholders have been held entitled to British registry. *The Queen* v. *Arnaud*, 16 L. J. Q. B. N. S. 50. Similarly it has just been held that an English corporation, composed almost entirely of alien enemies, can sue in the English courts. *Continental Tyre & Rubber Co.* v. *Thomas Tilly, Ltd.*, 138 L. T. J. 83. It is submitted that the prize court should likewise refuse to disregard the corporate fiction as to vessels owned by such a corporation. It involves no disregard of the fiction, however, to inquire who the stockholders are, and a rule of prize that vessels owned by corporations so constituted should be subject to capture, might well be adopted.

WAREHOUSEMEN — WAREHOUSE RECEIPTS — LIABILITY FOR FRAUDULENT ISSUANCE BY AGENT: EFFECT OF UNIFORM WAREHOUSE RECEIPTS ACT. — The general manager of a warehouse, who had no authority to issue receipts except upon receiving goods, issued and sold to the plaintiff warehouse receipts for goods which in fact had never been received. The plaintiff now sues the warehouseman for non-delivery of the goods. *Held*, that he cannot recover. *Rosenberg* v. *National Dock & Storage Co.*, 218 Mass. 518, 106 N. E. 171.

There has been great conflict of authority concerning the liability of warehousemen upon warehouse receipts issued by agents, without specific authority, for goods which have never been received. See WILLISTON, SALES, § 419. Previous to its adoption of the Uniform Warehouse Receipts Act, Massachusetts took the view that the warehouseman was not liable, on the ground that the agent acted outside the scope of his employment. *Sears* v. *Wingate*, 3 Allen (Mass.) 103. Section 20 of the uniform law, however, provides that "a warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods." MASS. STAT. 1907, c. 582, § 21. See MOHUN, WAREHOUSEMEN, 2 ed., p. 7. The principal case decides that this provision has made no change in the law. It seems impossible to quarrel with this conclusion, no matter what one may think of the soundness of the position previously taken. The statute was not intended to alter the several rules of agency conceived to be applicable to the case. Its words receive their full meaning as a definition of the warehouseman's liability when a receipt is issued with authority. To the purchaser of a receipt fraudulently issued by an agent the statute gives no additional protection, for he is not even a "holder of a receipt" within the meaning of § 58 of the uniform law.

WILLS — CONSTRUCTION — CONDITION FOR FORFEITURE IN CASE OF CONTEST BY LEGATEE. — A testator provided in his will that if any person named in the will should dispute its validity, his legacy should fall into the residue. A legatee unsuccessfully attempted without reasonable grounds to probate an invalid will. She now petitions for payment of the legacy. *Held*, that the legacy is forfeited. *In re Kirkholder's Estate*, 149 N. Y. Supp. 87 (Surr. Ct., Erie County).

The American authorities in regard to conditions providing for the forfeiture of the gift to a beneficiary who contests the will, tend to discard any requirement of a gift over, and to make no distinction between real and personal property. See 2 REDFIELD, WILLS,* 298; 25 HARV. L. REV. 745. But the validity of such conditions is still much in dispute. On this broader question, some jurisdictions hold that even a contest on reasonable grounds works a forfeiture. *Smithsonian Institute* v. *Meech*, 169 U. S. 398; *In re Miller's Estate*, 156 Cal. 119, 103 Pac. 842; *Moran* v. *Moran*, 144 Ia. 451, 123 N. W. 202. Others, however, will not permit a reasonable contest to forfeit the gift, because of

the public policy against affording protection to possible fraud, coercion, or forgery. *Friend's Estate*, 209 Pa. 442, 58 Atl. 853; *Rouse* v. *Branch*, 91 S. C. 111, 74 S. E. 113. See *Chew's Appeal*, 45 Pa. 228, 232. This policy appears to exist, and wherever possible conditions should be construed to apply only to unreasonable contests. If, however, a condition seems clearly intended to apply to all contests, it is submitted that it must be held entirely inoperative. It is true as a general proposition that where the testator's intention cannot operate to its full extent, it should take effect as far as possible. 2 JARMAN, WILLS, 6 Eng. ed., p. 2212. But this is subject to the qualification that the provisions introduced by the testator cannot be remoulded by the court. If an inseparable provision is void as a whole, no single part of it will be enforced separately. *Root* v. *Stuyvesant*, 18 Wend. (N. Y.) 257, 310; *Leake* v. *Robinson*, 2 Mer. 363, 390; *Ker* v. *Hamilton*, 6 Vict. L. R. Eq. 172. See 9 HARV. L. REV. 242. *Cf. Edgerley* v. *Barker*, 66 N. H. 434, 31 Atl. 900. A condition still broad enough to cover all contests, after the limit of construction has been reached, would appear to fall within the principle of these cases.

BOOK REVIEWS

American Contributions to Jurisprudence. — In the field of jurisprudence we have until very recently drawn our ideas from abroad. Not only that, but we have imported such foreign ideas as finished products and attempted very little creative adaptation to our own needs. In the beginning the civilians, by way of France and England, supplied our juristic market. More recently we have drawn on Germany. This indiscriminate importation of foreign ideas is but natural so long as we did not vigorously realize that a philosophy of law is the practical concern of lawyers, because some philosophy, consciously or unconsciously, underlies the administration of every legal system. Once this is realized the largest impulse is given to an endeavor to work out a philosophy of law from the mass of our own jural material, in the light of our own history, designed for our own particular needs. Of course, this involves drawing on the experience of other countries and other systems of laws in so far as the administration of law everywhere is an expression of the ideal of justice. This is so particularly in the present day interdependence of the world. But the conscious pursuit of a native philosophy of law, by an intensive regard for differences of time and place and circumstance, will avoid the dangers of mechanical uniformity and the inadequacies of an aspiring but not all-inclusive internationalism.

Such a philosophic movement is taking a decided part in the present readjustment of our legal system, and to a promising degree it is manifesting itself in the practical, everyday decisions of our courts throughout the whole field of law, — criminal law, property law, torts, public service law, constitutional law. Not only our own legal thinking, however, is it affecting. It is a matter of profound significance in the juristic history of this country that we are actually beginning to export ideas. A very striking acknowledgment of this fact has recently been made by a distinguished German jurist, Professor Rudolf Leonhard, in a review of several essays of Professor Roscoe Pound (*Archiv für Rechts- und Wirtschaftsphilosophie*, Band VIII, Heft 1). This follows closely on Professor Leonhard's translation of Holmes's Common Law. These articles by Professor Pound [1] are chapters from his forthcoming work

[1] Justice According To Law, — 13 COL. L. REV. 696; 14 *ib.* 1, 103.
The End of the Law as Developed in Legal Rules and Doctrines, 27 HARV. L. REV. 195.